

1905-007
Lee Co.

Chancery Causes: Jefferson City Wooden Mills] & vs Lon H. Baylor &

Slater Sielken White Co], Isaac Faller's Sons Co], Richmond

CA - Debt

T - Property

Business

(General store)

- Deed

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining, your orators, Slater Sielken White Co., (Incorporated), ^{the} Isaac Faller's Sons Co., (Incorporated) and Jefferson City Woolen Mills, (Incorporated), would respectfully represent and show unto Your Honor, as follows:

That one Lon H.

Baylor, a citizen of Lee County, Virginia, is now and has heretofore been, engaged in a general mercantile business at Boon's Path, Lee County, Virginia, carrying in stock the merchandise usually kept in a general store; and that, while thus engaged in said mercantile business, the said Lon H. Baylor became indebted to your orators, as follows: To the said Slater Sielken White Co., wholesale merchants, in the sum of \$247.00, with interest thereon from the 1st day of May, 1904, until paid, for goods and merchandise by the said Slater Sielken White Co. furnished the said Lon H. Baylor for his said stock of general merchandise, which is due by open account, a copy of which is here filed, as part of this bill, as "Exhibit No. 1."; and to said ^{the} Isaac Faller's Sons Co., wholesale merchants, the sum of \$575. 73 for goods, wares and merchandise by said company furnished the said Lon H. Baylor, and for which sum said Lon H. Baylor, on the 1st day of June, 1904, executed his promissory note, payable to said ^{the} Isaac Faller's Sons Co. thirty days after date thereof, which note is here filed as part of this bill, as "Exhibit No. 2."; and to Jefferson City Woolen Mills, wholesale merchants, in the sum of \$280.17, for various wares, goods and merchandise by it furnished the said Lon H. Baylor for his said stock of goods, with interest thereon from the 29th day of July, 1904, which sum is due by open account, protested checks and promissory note, which are here filed as part of this bill,

as "Exhibits No. 3.". All of which said sums of money owing to the said firms are now due, just and unpaid.

Your orators allege that they are each engaged in the wholesale mercantile business and, as such, furnished merchandise to the said Lon H. Baylor in the amounts above stated for his said store at Boon's Path, Va. Your orators each allege that they have earnestly endeavored to get the said Lon H. Baylor to pay for said bills of goods and merchandise, but the said Baylor, although often requested to pay the same, has continuously failed and refused.

Your orators would further represent and show unto Your Honor that, by deed dated the 27th day of June, 1904, the said Lon H. Baylor and his wife, Ida S. Baylor, executed a deed of trust to H. C. T. Richmond, Trustee, to secure several notes payable to his sister, Miss Hattie M. Baylor, amounting to the sum of \$4951.18, and by said deed of trust conveyed to the said trustee all of the property which he, the said Lon H. Baylor, then owned, so far as your orators know, consisting of all of his real estate, live stock and stock of goods, situated in Lee County, Virginia, at the said Boon' Path store, and described in the said deed of trust as, "my stock of goods now on hand and goods that may hereafter be added to my stock"; all which will be seen by a copy of the said deed of trust here filed as part of this bill, as "Exhibit A.". It will further be seen by the said deed of trust that the said trustee, in case of failure of the said Lon H. Baylor to pay the notes secured by the said deed of trust, upon the request of the said Hattie M. Baylor, should sell the land and stock of goods to satisfy said note. Your orators allege that the said Baylor was suffered to, and did, remain in the possession of the said stock of goods and, after the execution thereof, proceeded with his regular business of buying and selling goods,

just as he did before the execution of the said deed of trust. Your orators allege that said deed of trust, professedly, is for the indemnity of the said Baylor's said sister, and impliedly, if not expressly retains a power wholly inconsistent with its object, in so far as said stock of merchandise is concerned, and the power retained is adequate to defeat the avowed object of said deed, in so far as it undertakes to create a lien upon said stock of merchandise, and is, therefore, under the decisions of the Court in this State, per se fraudulent and void as to said Lon H. Baylor's creditor's, and especially as to your orator's, said debts against him.

Now, your orators are advised that the said deed of trust, so far as it undertakes to convey the said stock of goods owned by the said Lon H. Baylor, is void and per se fraudulent, as to his creditors, and that any creditor of his has the right to institute a suit in chancery for the purpose of having said deed of trust set aside and shall have a lien from the date of the institution of the said suit, provided there shall have been filed by such creditor a memorandum, setting forth the title of the cause and the general object of the suit, the court wherein pending, the amount of claim asserted by complainant and a description of the property and the name of the person whose estate is intended to be affected thereby, with the county clerk for recordation in the proper book, as provided by Section 2660 of the Code, as amended by subsequent acts of the General Assembly of Virginia. Your orators allege that they have filed the memorandum, as provided by said section, as will be seen by an inspection of a copy thereof here filed as a part of this bill. Your orators are further advised that the said deed of trust is in effect a sale in bulk of the merchandise of the said Baylor as a merchant, and is in violation of the act

of the General Assembly approved January 2, 1904 and printed in the Acts of 1902-3-4--page 384. Your orators allege that said Baylor was indebted to other wholesale merchants for goods used in said store, beside the bills of your orators, and that before, nor at the time of making said sale of said stock of merchandise, no full, true, correct and complete inventory of said stock of merchandise was made, nor was there made a schedule of the persons to whom he was indebted, giving their post-office address, and amount owing to each of them; nor was there any affidavit made by the said Baylor that he was not indebted to any person for the goods and wares sold as aforesaid, and the same delivered to the said Richmond or to said Hattie M. Baylor, attached to the inventory, as required by law; nor did the said Lon H. Baylor, Hattie M. Baylor and H. C. T. Richmond, or either of them, ten days before, or at any time before, said sale was made or said merchandise, join in giving written, or any kind of notice, of the said proposed sale of said merchandise, as provided should have been done by Chap. 554 of the Acts of the General Assembly for 1902-3-4. And having failed to make such an inventory and schedule of creditors, as provided by said Act, and said Baylor and said Richmond and said Hattie M. Baylor failing to join in and give the required notice as aforesaid provided, your complainants are advised that said sale of said merchandise made as aforesaid in the manner as aforesaid is prima facie fraudulent and void, and will by Your Honor be set aside as such, and your complainants given a first lien upon said stock of merchandise, as provided in Section 2460 of the Code of 1887, and as amended by the Acts of The General Assembly of Virginia for 1903-4--page 614.

The premises considered, your orators are advised that they

have a right to institute this suit for the purpose of having the said deed of trust set aside, as provided by Section 2660 of the Code as amended by subsequent acts, and to have established and set up their lien given to them by said provision of the Code, to have the said Lon H. Baylor, H. C. T. Richmond and Hattie M. Baylor enjoined from selling or disposing of said goods until the future order of this court and a receiver appointed to take charge of the said goods and hold or dispose of the same, as the court may direct.

The prayer, therefore, of your orators is, that the said Lon H. Baylor, Hattie M. Baylor and H. C. T. Richmond be made parties defendant to this bill of complaint and be required to answer the same, but not under oath, that being expressly waived; that the said deed of trust, so far as it undertakes to convey said stock of goods as aforesaid, be set aside and declared void; and that the several claims of your orators, as hereinbefore set up, be declared a lien upon said stock of goods, as provided by said section of the Code and be paid out of the proceeds of the sale of said goods; that an injunction be awarded restraining the said Lon H. Baylor, H. C. T. Richmond and Hattie M. Baylor, or either of them, from disposing of said goods, until the future order of this court; that a receiver be appointed to take charge of the said stock of goods and hold or sell the same, as the court may order, and account for the said goods, or the proceeds thereof, to this court; that personal judgment be rendered against the said Lon H. Baylor in favor of your several orators for the amount of each of their claims, and be directed to be paid out of the proceeds of the sale of said goods. And may all other further and general relief be granted your orators that the nature of their cause and good conscience may require, and they will ever pray, etc.

Prumayton Bros. & Co.

Virginia,

Lee County to wit:-

I Pearl ~~Summers~~^a notary public~~x~~ for the county of
of Lee and State aforesaid, do hereby certify that R.L. Penning-
ton this day made oath before me that the statements and
representations made in the foregoing bill of complaint, in so
far as the same are based upon his own ^w knowledge are true, and so
far as based upon information derived from others he believes
to be true.

Given under my hand this the 11th day of August, 1904.

Pearl Summers N.P.

Jefferson City, William Miller
et al. - Receipts

V. ³/₄ for Kincaid

L. H. Bayler et al

~~~~~

Filed Aug 5, 1904

H. C. Newing, Clerk



TO THE HONORABLE H. A. W. SKEEN, JUDGE OF THE CIRCUIT COURT,  
OF LEE COUNTY.

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The Joint and Separate Answer of H.C. T. Richmond, Trustee, and Hattie M. Baylor, to a bill ~~executed~~<sup>submitted</sup> against them in this Honorable Court, by the Jefferson City Woolen Mills, et als.

These Respondents say that they have read and read to them, the answers of their Co-Defendant, L.H. Baylor, and that they believe the facts stated therein are true, and they hereby adopt the same as and for their answer to said bill.

Your Respondent H.C.T. Richmond, Trustee, desires to here state that under a provision of the terms of said assignment dated on the 3rd day of August, 1904, he has taken charge of the property conveyed thereby; that he has commenced invoicing the said stock of goods, and is about half through the same, and that said stock of goods so far as invoiced amounts to the sum of about \$5000.00 at original cost prices, and exclusive of freights, and in his opinion, the goods <sup>yet</sup> to be invoiced, is at least \$5000.00

Yours Respondent, has looked over the notes and accounts of the said L. H. Baylor, and while the same have not yet been invoiced, he finds they amount ~~to~~ something over \$4000.00, and being acquainted as he is with the people who owe said notes and accounts, he is very confident that at least seventy-five per cent of of the same can be collected.

Respondent is having the lumber embraced in the deed of trust and the assignment shipped as rapidly as possible under favorable contracts, which the said Baylor had



already made, for the sale of the same.

Respondent is using the teams conveyed in said trust deed of the 27th of June, for the purpose of hauling out the lumber from Harlan County, Kentucky, which was not embraced in said trust deed, so that the other creditors of the said Baylor may get speedy benefit from the sale of said lumber.

Respondent is advised, and he believes properly so, that said Plaintiffs were informed either themselves, or their attorneys of the assignment of the 3rd of August, before they instituted their suit, and he is wholly unable to see the necessity for having said suit instituted, or for a Receiver therein.

And now having fully answered these Respondents pay to be dismissed.

*L. L. Dunsen for*  
*H. C. T. Richmond & Son*  
*+ Hattie M. Baylor*



H. C. T. Richmond Tris  
ter it al

was  $\frac{3}{4}$  answer

Jefferson in early Western  
Mills it also

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Filed on Aug. 12, 1904

in Vacatur at Wise

County Court House

Chas. Johnson D. C.



TO THE HONORABLE H.A.W. SKEEN, JUDGE, OF THE CIRCUIT COURT, IN  
LEE COUNTY.

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The separate demurrer and answer of L.H. Baylor, to  
the bill exhibited against him in this honorable court, by  
Jefferson City Woolen Mills ~~and Corn~~ et. als,

Respondent says that Complainant's bill is not suf-  
ficient in law to call upon him to answer in this Honorable  
Court, and he demurs to the same, and prays <sup>judgment</sup> of his said de-  
murrer, but should other and further answer be required of  
him, <sup>he</sup> answers and says:

That it is true that he is a citizen of Lee Coun-  
ty, and that he has for the last three years been engaged in  
the mercantile business at Boon's Path, in the County of Lee,  
and State of Virginia.

It is further true, that your Respondent purchased  
from the said Plaintiffs the bills of goods, and that he is  
indebted to each of them in the sums, <sup>stated</sup> in said bill.  
These purchases were made in the regular course of Respond-  
ent's business as a general merchant.

It is further true that by deed dated on the 27th  
day of June, 1904, your Respondent and his wife executed deed  
of trust to H.C. J. Richmond, Trustee, to secure several notes  
payable to his sister, Hattie M. Baylor, amounting to the sum  
of \$4931.18. This indebtedness to his sister, was for money  
which your Respondent had borrowed from her for use in his  
business as a merchant, and to secure said money, your Re-  
spondent conveyed to said Trustee his real estate situated



in said County, and live stock mentioned in said deed, and his stock of goods at Boon's Path, as aforesaid<sup>all</sup>, of which more fully and at large appears by reference to said deed of trust, a copy of which is filed with the Plaintiffs bill, as Exhibit "A". It is proper in this connection to state that prior to the execution of said deed of trust to the said H.C. T. Richmond, that your Respondent had conveyed all of his real estate by two deeds of trust, the purpose of the first one of which was to secure to H.J. Morgan and B.M. Morgan, the sum of \$2500.00 which would become due and payable on the first day of ~~Jan~~<sup>Aug</sup>, 1905; the other of which, was to secure the payment of \$2800.00 to the Powell's Valley Bank, which will become due and payable on<sup>or about</sup> the 16th day of August, 1904. These two sums aggregating \$5300.00, is ~~about~~<sup>the</sup> ~~worth~~<sup>of</sup> the real estate owned by your Respondent, and about the utmost it would bring in the event of<sup>a</sup> forced sale thereof.

It is further true, that your Orator was allowed to remain in the possession of said stock of goods and to continue the sale thereof. He was thus continuing to remain in possession of said stock of goods for the purpose of being enabled to pay the parties to whom he was indebted on the purchase price of said goods the sums that were due to them. Both the Trustee in said deed of trust, and said Hattie M. Baylor, were fully aware of the fact that your Orator owned the parties from whom his goods were purchased, the sum of \$4000.00 or something over that sum, and the purpose of embracing said stock of goods in said deed of trust was neither to defraud his creditors, or in any way to hinder and delay them in the



collection of their debts, but <sup>as</sup> stated thereon, at the time of <sup>the</sup> execution of said trust deed, he got an additional \$1000.00 from his sister, which he used in payment of such of his creditors' debts as were then due.

Your Respondent denies that the purposes of said deed were in any way fraudulent, or that they ~~in~~ any way intended to ~~limit~~ <sup>hinder</sup>, or delay the collection of his debts.

Your Respondent will now show your Honor that he is largely indebted and that he has a very large amount of property in his possession, all of which he holds liable to his debts and available for the payment thereof, and in order to secure the payment of which, ~~he made a deed which~~ your Respondent executed on the third day of August, 1904, and recorded in the Clerk's office of Lee County on the 9th day of August, 1904, made an assignment and conveyed for the benefit of his said creditors to H.C.T. Richmond, Trustee, the following property:

1st. All his stock of goods and general merchandise now contained in his store-house building and ware-rooms at Boon's Path, at Lee County, Va.,

2nd. All his outstanding <sup>accounts</sup> notes, bonds due him for merchandise or otherwise.

3rd. All lumber, logs <sup>timber</sup> owned by him in the ~~said~~ State of Kentucky, or on the Side Track of the L. & N. R. R. VCo at Hagan, and which had been hauled ~~from~~ the State of Kentucky, all of which is more fully shown by said deed of assignment which is here filed as Exhibit "O".

*in accounts due and*



It was the purpose of this deed to convey all the property owned by your Respondent, and not covered by the three deeds of trust ~~heretofore~~ hereinbefore referred to, but at the time of this conveyance, or assignment, your Respondent was sick in bed, almost too feeble in body to transact business, and a small amount of property was <sup>by</sup> inadvertance left, <sup>out,</sup> and in order to correct this mistake, your Respondent by deed dated on the 11th day of August, 1904 conveyed to said Trustee for the benefit of his creditors, some hogs, horses and cattle which had been before omitted. This constitutes all the property owned by your Respondent, except his growing crops, a copy of this said latter deed is herewith filed as a part hereof marked Exhibit "P!"

Your Respondent will now show your Honor, that all the debts due and owing from him, as nearly as he can ascertain them, amount to about the sum of \$17500.00. The property owned by your Respondent is as follows:

His real estate laid off and assigned him in the partition of the estate of C. E. Baylor, decd., which he values at \$6000.00, and for which he has been offered the sum of \$5800.00 *in cash.*

2nd. His stock of goods, wares and merchantdise now in his store-house and ware rooms at Boon's Path, and which is now being invoiced, which will aggregate in value, the sum of \$10,000.

3rd. Notes, and debts now due and owing to the amount of something near \$4200.00

4th. Lumber on stick at what is known as the Howard Yard and conveyed in the deed of trust for the security of his sister, Hattie Baylor, of the Value of \$2000.00. 45000 feet of Lumber on the Railroad Yard at Hagan, Virginia; 25000



feet of lumber on stick in Harlan County Ky., logs cut and in the creeks of Harlan County, awaiting a tide to be shipped to the mill, of the value of \$2800.00; logs cut and ready to be hauled to the creek of the value of \$1000.00; lumber standing and uncut in the woods in Harlan County, Kentucky, the value of which Respondent does not know, but in his opinion said ~~timber~~ is worth from \$500.00 to \$1500.00. The horses, mules and cattle conveyed in the said deed of trust for the benefit of his sister Hattie, and in the assignment deed on the 11th day of August, 1904 are worth at the very least \$2000.00, to this must be added the harness, wagons and farming utensils mentioned in said several deeds.

It is thus shown that while your respondent owes ~~\$17500.00~~ in debts, his property available for the payment of same amounts to nearly \$30000.00

Your Respondent is advised that there is no necessity for the appointment of a Receiver, that exactly the same duties that would be performed by a Receiver, would be performed, and your Respondent has also provided for the performance of the same, by a Trustee, who is especially qualified for the performance of such duties, having been successfully engaged in the merchandise business for at least forty years, and a man who is well acquainted in the neighborhood of Boone's Path with the people of that whole section of country, and likewise well versed in the handling of stock, lumber and other subjects of trade in that section of the country.

In addition to this, your Respondent desires to state that these Plaintiffs, or their attorneys had full notice of the assignment as he is advised by his counsel of the fact that said assignment first above mentioned had been



made, and that these plaintiffs were provided for in said assignment, and these being the facts, Respondent is advised that said suit was wholly unnecessary, and cannot have any beneficial effects for the Plaintiffs, but is in fact a hindrance to them from the fact of incurring the costs of such a suit.

Now having answered said bill as fully as he is advised it is material to answer same, prays to be hence dismissed.

*G. T. Duncan &*  
*L. T. Hyatt*  
Attorneys.



L H Baylor  
ads  $\frac{1}{2}$  Answer  
Jefferson City, Missouri  
mills it also

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Filed on Aug 12<sup>th</sup> 1904  
in Vacation at Wise  
County Court House.  
C. A. Johnson & Co.



Jefferson City, Va. Miller  
v. S. A. Cheney  
L. H. Bayles et al

1904 1st Sept. Rules

Bill filed in  
executed & D. M.  
2nd Sept. Rules  
D. M. confirmed  
& case set for  
hearing.



Monteiff's Costs

Tax-

1.50

Chase

12.23

2/16-1905 Sheriff-

3.00

Atty.

15.00

Estimated

5.00

\$36.73



Jefferson City, Nallen Mills & al, Compts  
vs. Dr. Chances  
L. H. Bayler & al. Defendants

This cause came on this day,  
to be heard upon the papers formerly  
read therein, & it appearing to the  
Court from statement of counsel  
that the matters herein involving  
have been paid & settled, This  
cause is stricken from  
the docket -



Jefferson City, Mo.  
2 1/2 Dean family  
L. H. Baylor - 1880

Entered in C.B.  
No-8-26-

Entered this

May 16, 1905

J. C. W. Shaw



Jefferson City Wollen Mill, et al,

Complainants,

vs Vacation order in chancery,

L.H.Baylor, Hattie M. Baylor and H.C.T. Richmond, Tr. Defendants.

This cause came <sup>on</sup> to be heard upon the bill of the Complainants and their motion for the appointment of a receiver and an injunction, ~~which was~~ in vation at Wise Court House Va., on the 12th day of August, 1904, before the judge of the circuit court for Lee County, and the answer of the said defendants and their appearance to the said motion: And was argued by counsel. Upon consideration of all which, and it appearing to the court from the bill of the said Complainants, the answer of the said defendants, and the statement of counsel for complainants and defendants that the trustee, H.C.T. Richmond did not take possession of the Stock of goods conveyed by the deed of trust dated the 27th day of June, 1904, which is sought to be set aside by the complainants; and it further appearing to the court that since the execution of the said deed of trust as aforesaid that the said L.H. Baylor has made a deed of trust <sup>assignment</sup> to ~~for the benefit of his creditors generally~~ H.C.T. Richmond Trustee, which was executed on the 3rd day of Aug., 1904, acknowledged on the 4th day of Aug and recorded on the 9th day of Aug; and that the complainants in this suit filed their <sup>bill</sup> ~~suit~~ and lis pendens, as provided by sec. 2440 of the code and amendments thereto, on the 5th day of Aug., 1904; the court therefore is of opinion that the said deed of trust of ~~June~~ 27th, 1904 is per se fraudulent as to the said L.H. Baylor's creditors, and that the filing of the suit and lis pendens of the said complainants thereby gave to them a lien upon the said stock of goods for the amount of their several claims from the date of the filing of the same; and that the last deed of trust <sup>assignment</sup> not having been recorded until after said complainants filed their said bill and lis pendens, said deed is ~~also~~ <sup>not binding as to said plaintiffs</sup>



void as to said complainants; and by agreement between the said complainants and defendants, it is adjudged ordered and decreed that the said complainants have a first lien upon said stock of goods from the date of the filing of the said suit and lis pendens; that the complainants the Jefferson City Wollen Mills, recover of the said L.H. Baylor the sum of \$280.17 with interest thereon from the 19th day of May 1904, till paid, that Slater Sielken White Company recover of the said L.H. Baylor the sum of \$247.00 with interest thereon from the 1st- day of May 1904, till paid that The Isaac Faller's Sons Co., recover of the said L.H. Baylor the sum of \$577.73, with interest thereon from the 1st- day of July, 1904, till paid, and that the said Complainants recover of the said L.H. Baylor their reasonable costs in this behalf expended; that the said H.C.T. Richmond Trustee be suffered to remain in possession of the said stock of goods under the said last named ~~deed of trust~~ ~~and assignment~~ ~~until the future order of this court herein~~ ~~deed of trust~~, and that out of the first proceeds realized <sup>and assignment until the future order of this court</sup> or any other property in his hands as trustee from the property thereby conveyed, above costs and expenses, he pay to the said complainants or their attorneys the amount of their said claims as above stated. But no execution shall issue on said judgements herein rendered until the future order of this court. *and it being expected that said sums will have to be paid out of the proceeds of the lumber untraced in said trust deeds, when the same is paid said plaintiffs will assign said claims to Walter M Baylor without recourse upon them. And the said trustee in said deed of assignment being unwilling to act under said deed for less than 6 per commission and said sum seems reasonable. It is hereby ordered that the commission of said trustee be fixed at that sum and he will in addition thereto employ such clerk hire as he may deem necessary.*







THIS DEED made this 27th day of June 1904, by and between Lon H. Baylor and Ida S. Baylor of the first part and H. C. T. Richmond, Trustee of the Second part, all of Lee County and State of Virginia, WITNESSETH, That the said Lon H. Baylor and Ida S. Baylor doth grant unto the said H. C. T. Richmond, Trustee, the fouling three tracts or parcels of land, to-wit assigned to Lon H. Baylor by Commissioners from the Estate of his father deceased, bounded as follows, Lot No. 7, beginning at J a stake corner to the dower thence S  $67\frac{1}{2}$  W  $19\frac{6}{10}$  poles to W a stake N  $15\frac{1}{2}$  W 132 poles to O, a stake on the North original line and with the same N 65 E 3 poles to a Chestnut oak N  $44\frac{1}{2}$  poles to K a stake corner to lower land and with line of same S.  $15\frac{1}{2}$  E 133 poles to the beginning, containing 25 acres more or less Lot No. 3 bounded as follows, Beginning at J a stake corner to the Dower and Lot No. 7, and with line of the latter S  $67\frac{1}{2}$  W  $19\frac{6}{10}$  poles to W a stake S  $15\frac{1}{2}$  E 16 poles to P a stake on the Public road S 49 W 5 poles to Q a stake at the end of a plank fence thence S  $13\frac{1}{2}$  E  $76\frac{1}{2}$  poles to R. a stake in a field thence W  $69\frac{1}{4}$  E  $56\frac{1}{2}$  poles to L a stake in public road and on the lower line thence with said road and Dower line N 59 W  $7\frac{3}{4}$  poles N  $52\frac{1}{2}$  W 11  $56/100$  poles N  $47\frac{1}{2}$  W 13  $30/100$  poles N 29 W leaving road 41  $64/100$  poles to a stake at the North end of plank fence N  $60\frac{1}{2}$  W 17  $70/100$  poles N  $77\frac{1}{2}$  E  $7\frac{3}{4}$  poles to L a stake, thence N  $15\frac{1}{2}$  W 14 poles to the beginning containing 20 acres more or less Lot No. 9, Beginning at a stake and black oak bush corner to Lot No. \_\_\_\_ thence with original east line N 61 W 108 poles to a black walnut sugar tree and oak original corner thence with original lines being Jaynes and Brooks line S  $47\frac{3}{4}$  E 13 poles to a crooked poplar S 39 E 11 poles S 45 E 5 poles to a stake in the public road, and with the same S 49 E 23 poles S 36 E 20 poles S 42 E 44 poles to a stake with black oak pointer corner



to lot No ---- and with line of said L 32 E 40 poles to the beginning. Containing 17 1/2 acres more or less. Also the following described personal property, Fourteen head horses and mules to-wit: 2 dark bay horses- age ten years, 12 mules, two blacks, 10 bays and of the age 11 years, the same being the property now being used in logging and lumber business. One lot lumber on the Benjamin Howard place, supposed to be about Three hundred thousand feet, and my stock of goods now on hand and goods that may hereafter be added to saw stock. In trust to secure the payment of three notes due and owing to Hattie M. Baylor of Boon's Path Va. one of which said notes is for the sum of three thousand dollars dated January 15th, 1903 and due one day after date executed by the said Lon H. Baylor and Ida S. Baylor to said Hattie M. Baylor one other note for the sum of six hundred and thirty one dollars & Eighteen cts. dated January 15, 1903 and due one day after executed by the said Lon H. Baylor to the said Hattie M. Baylor, and one other note is for the sum of Thirteen Hundred dollars due one day after date and dated June 27, 1904, executed by the said Lon H. Baylor to the said Hattie M. Baylor Now if the said Lon H. baylor and Ida S. Baylor does not pay the said three notes executed as foresaid, then the said H. C. T. Richmond, Trustee, shall on the request of the said Hattie M. Baylor sell the above described tracts of land, stock and goods to satisfy the said three notes with interest, after he has advertised the sale for the period of thirty days as requested by law the said Trustee to have five per cent for making the sale and any residue after the payments of said notes with interest shall be paid to the said Lon H. Baylor and Ida S. Baylor by the said Trustee, witness the follow-



ing signatures and seals the day and year first above written.

Lon H. Baylor (Seal)

Ida S. Baylor (Seal)

State of Virginia, County of Lee to-wit:

I, Charles C. Bales, a Notary Public in and for Lee County, Virginia, do certify that Lon H. Baylor and Ida S. Baylor, his wife, whose names are signed to the writing above bearing date on the 27th day of June, 1904, have acknowledged the same before me in my County and State aforesaid. Given under my hand this the 30th day of June, 1904.

My Commission expires Aug. 3rd. 1905.

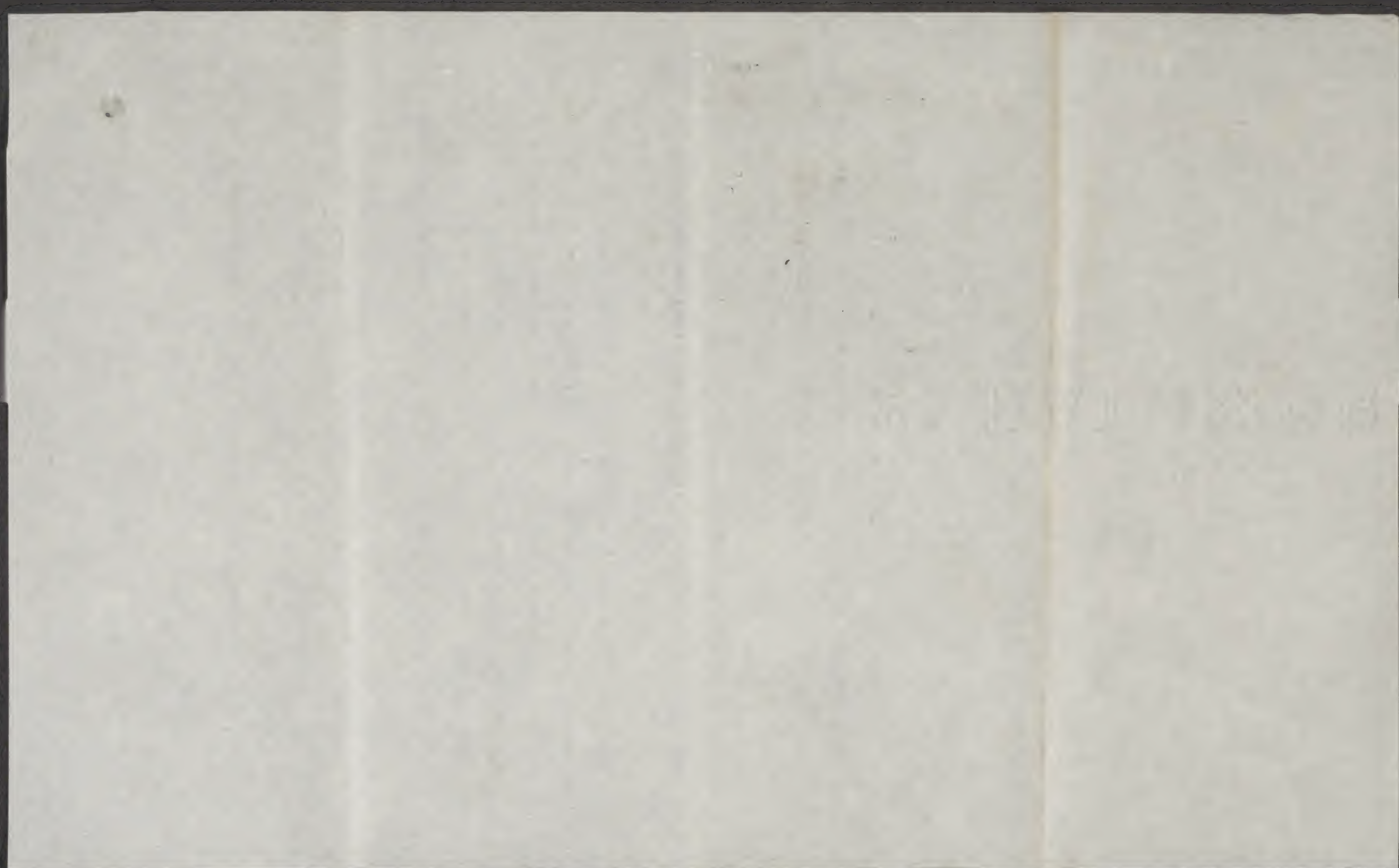
Charles C. Bales, N. P.

Lee  
Virginia, County to-wit:

At the office of the Clerk of Lee County, on this the 1st day of July, 1904. This deed was presented, and together with the certificate of acknowledgment hereto annexed, admitted to record.

Teste: W. E. FLANARY D. Clerk.







THIS DEED made this 27th day of June 1904, by and between Lon H. Baylor and Ida S. Baylor of the first part and H. C. T. Richmond, Trustee of the Second part, all of Lee County and State of Virginia, WITNESSETH, That the said Lon H. Baylor and Ida S. Baylor doth Grant unto the said H. C. T. Richmond, Trustee the following three tracts or parcels of land, to-wit assigned to Lon H. Baylor by commissioners from the estate of his father deceased, bounded as follows, Lot No. 7, beginning at J a stake corner to the dower thence S. 67 1/2 W 19 6/10 poles to W a stake N 15 1/2 W 182 poles to O, a stake on the North original line and with the same N 65 E 9 poles to a Chestnut oak N. 44 1/2 poles to K a stake corner to Dower land and with line of same S 15 1/2 E 188 poles to the beginning, containing 25 acres more or less Lot No. 8 is bounded as follows, Beginning at J a stake corner to the Dower and Lot No. 7 and with line of the latter S 67 1/2 W 19 6/10 poles to W a stake S 15 1/2 E 16 poles to P a stake on the public road S 49 W 5 poles to Q a stake at the end of a plank fence thence S 18 1/2 E 76 1/2 poles to R. a stake in a field thence W. 69 1/4 E 56 1/2 poles to L a stake in public road and on Dower line thence with said road and Dower line N 59 W 3/4 poles N 52 1/2 W 11 56/100 poles N 43 1/2 W 18 30/100 poles N 29 W leaving road 41 64/100 poles to a stake at the North end of plank fence N 60 1/2 W 13 78/100 poles N 77 1/2 E 3/4 poles to L a stake, thence N 15 1/2 W 14 poles to the beginning containing 20 acres more or less Lot No. 9 Beginning at a stake and black oak bush corner to Lot No. — thence with original east line N 61 W 108 poles to a black walnut sugar tree and oak original corner thence with original lines being Jaynes and Brooks lines S 47 3/4 E 13 poles to a crooked poplar S 39 E 11 poles S 45 E 5 poles to a stake in the public road, and with the same S 49 E 23 poles S 36 E 20 poles S 42 E 44 poles to a stake with black oak pointer corner to Lot No. ----- and with line of same N 32 E 40 poles to the beginning, containing 13 1/2 acres more or less. Also the following described personal property, Fourteen head horses and mules to-wit: 2 dark bay horses — age ten years,



12 mules, two blacks 10 bays and of the age 11 years, the same being the property now being used in logging and luber business. One lot lumber on the Benjamin Howard place, supposed to be about Three hundred thousand feet, and my stock of goods now on hand and goods that may hereafter be added to saw stock. In trust to secure the payment of three notes due and owing to Hattie M. Baylor of Boon's Path Va. One of which said notes is for the sum of three thousand doallrs dated January 13th 1903 and due one day after date executed by the said Lon H. Baylor and Ida S. Baylor to said Hattie M. Baylor one other note for the sum of six hundred and thirtyone dollars & eighteen cts. dated January 13, 1903 and due one day after executed by the said Lon H. Baylor to the said Hattie M. Baylor, and one other note is for the sum of Thirteen Hundred dollars due one day after date dated June 27, 1904, executed by the said Lon H. Baylor to the said Hattie M. Baylor. Now if the said Lon H. Baylor and Ida S. Baylor does not pay the said three notes executed as afore-said, then the said H. C. T. Richmond, Trustee shall on the request of the said Hattie M. Baylor sell the above described tracts of land, stock and goods to satisfy the said three notes with interest after he has advertised the sale for the period of thirty days as requested by law the said Trustee to have five per cent for making the sale and any residue after the payments of said notes with interest shall be paid to the said Lon H. Baylor and Ida S. Baylor by the said Trustee, witness the following signatures and seals the day and year first above written.

Lon H. Baylor (Seal.)

Ida S. Baylor (Seal.)

State of Virginia, County of Lee to-wit:

I, Charles C. Bales, a Notary Public in and for Lee County, Virginia, do certify that Lon H. Baylor and Ida S. Baylor, his wife, whose names are signed to the writing above bearing date on the 27th day of June, 1904, have acknowledged the same before me in my County and State aforesaid. Given under my hand this the 30th day



of June, 1904.

My Commission expires Aug. 3rd 1905.

Charles C. Bales, N. P.

Virginia, Lee County, to-wit:

In the Office of the Clerk of Lee County, on this the 1st day of July, 1904. This deed was presented, and together with the certificate of acknowledgment thereto annexed, admitted to record.

Teste: M. E. Flanary, D. Clerk.

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, Clerk of the County and State aforesaid, do certify that the foregoing is a true and complete copy of a deed of Trust from Lon H. Baylor and Ida S. Baylor to H. C. T. Richmond, Trustee, dated the 27th day of June, 1904, together with the certificates thereon, as appears of record in my office in Deed Book No. 41, page 534 &c.

Given under my hand this the 11th day of August, 1904.

H. C. T. Ewing Clerk.



Son H. Baylor & wife

3011 Deed of Trust:

H. C. S. Richmond, Va.

Copy.

Clerk \$1.00



JEFFERSON CITY WOOLLEN MILLS, (Incorporated)

*the* ISAAC BALLAR'S SONS CO., (Incorporated)

SLATER SIELKEN WHITE CO., (Incorporated), COMPLAINANTS.

versus

LON H. BAYLOR, HATTIE M. BAYLOR

& H. C. T. RICHMOND, TRUSTEES, DEFENDANTS.

) MEMORANDA.  
)  
)  
)  
)

The general object of this suit is to get aside and have declared void as to these plaintiffs a deed of trust executed by L. H. Baylor to H. C. T. Richmond, Trustee, dated the 27th day of June, 1904, in so far as it applies to the stock of goods owned by said L. H. Baylor, situated at the store house of L. H. Baylor at Boon's Path, Lee Co., Va., and to have the lien acquired in this suit by the plaintiffs enforced against the said stock of goods and applied to the payment of their several debts and to have a receiver appointed to take charge of the said goods and hold them subject to the order of the court.

This is a suit in Chancery and is pending in the Circuit Court for Lee Co. Va.

The amount of the claim asserted by the complainant, Jefferson City Woollen Mills is \$240.17, with interest thereon from the 27th day of June, 1904, all which is due and unpaid.

*the* The amount of the claim asserted by the complainant, Isaac Ballar's Sons Co. is \$577.73, with interest thereon from the 1st day of August, 1904, till paid, all of which is due and unpaid.

The amount of the claim asserted by Slater Sielken White Co. is \$247.00 with interest thereon from the 1st day of May, 1904, till paid, all of which is due and unpaid.

The property sought to be subjected by this suit and recovered to pay said debts is described as a stock of general mer-



chandise owned by L. H. Baylor, kept in his store house at  
Boon's Path, Lee Co., Va. and consists of Dry Goods, Notions,  
Boots, Shoes, Hats, Millinery, Gents Furnishings, Clothing,  
Hardware, Groceries, Saddles and Harness, Machinery, Furniture  
and other goods usually kept in a general store.

The names of the persons whose estate is intended to be  
affected thereby are: L. H. Baylor and Hattie M. Baylor.

This August 5, 1904.

JEFFERSON CITY WOOLEN MILLS.

*The*

ISAAC BALLAR'S SONS COMPANY.

SLATER SIMPSON WHITE COMPANY.

*Raynolds Bros* ATTYS.

Virginia, Lee County, to-wit:

In the County Clerk's Office of Lee County, on this the 9th  
day of August, 1904. This foregoing writing was presented, and  
admitted to record at three o'clock P. M.

Teste: *H. T. Ewing* Clerk.



Jefferson City, W. M.  
7. <sup>3</sup> Leo Pius

L. H. Bayler - Clerk

Rec'd & filed for records  
at 2.52 P. M. Cen-  
tral time  
J. H. T. Ewing  
Clerk.

Recorded in  
Deed Book 41, p.  
5-88.

Examined Aug 9,  
1904

Indexed -

Clerk \$1.25-



LON H. BAYLOR,

DEALER IN

GENERAL MERCHANDISE,

MANUFACTURER OF

HARNESS AND SADDLERY.

TELEGRAPH ADDRESS, EWING, VA.

SHIPPING POINT, ROSE HILL, VA.

MILLS AND LUMBER YARD,  
HURST, KY.

MANUFACTURER OF CHESTNUT AND  
YELLOW POPLAR LUMBER, ALSO  
SURFACE STUFF.

BOON'S PATH, VA., June 10th, 1904.

Slater, Sielken, White Co.

New York,

Gent:--

341/13

In regard to bill due, will say that we have had some very heavy cash demands to meet, but we have some collections due now, and will send you check in a few days.

Dict. L. H. Baylor.

Yours Truly,

L. H. Baylor.



exhibit  
"B"



New York, Dec 10<sup>th</sup> 1903

Mr L H Baylor Boons Park, Va.  
BOUGHT OF SLATER, SIELKEN, WHITE CO.

Manufacturers and Commission Dealers in

H. F. SLATER, PRES.  
W. F. SIELKEN, SECY.  
JOHN G. WHITE, TREAS.

# Hats, Caps, and Straw Goods,

TERMS: May 1.

22 and 24 West 3rd, corner Greene Street.

|       |                 |          |      |              |
|-------|-----------------|----------|------|--------------|
| 2     | mens stiff hats | 62       | 24.- | 12           |
| 1     | " soft hats     | 1242     |      | 12           |
| 1     | " " "           | 645      |      | 12           |
| 1     | " " "           | 645 Belg |      | 12           |
| 1     | " " "           | 627      |      | 12           |
| 1     | " " "           | 626      |      | 12           |
| 1     | " " "           | 632      |      | 12           |
| 1     | " " "           | 632 Belg |      | 12           |
| 1     | " " "           | 808      |      | 12           |
| 10/12 | " all "         | 1442     | 12.- | 10           |
| 1     | " " "           | 1415     |      | 12           |
| 1     | " " "           | 1568     |      | 12           |
| 1/2   | " " "           | 611      | 9.-  | 4.50         |
| 1     | " " "           | 604      |      | 9            |
| 1     | " " "           | 612      |      | 9            |
| 1/2   | " " "           | 612 Belg | 9.-  | 4.50         |
| 1/2   | " " "           | 600      | 9.-  | 4.50         |
| 1     | " " "           | 1646     |      | 9            |
| 1/2   | " " "           | 1647     | 9.-  | 4.50         |
| 1     | " " "           | 1669     |      | 9            |
| 1     | " Crush "       | 145      |      | 9            |
| 1     | Boys wool "     | 391      |      | 4.50         |
| 1     | " " "           | 391 Blk  |      | 4.50         |
| 1     | Mens " "        | 496      |      | 6            |
| 1     | " " "           | 496 Blk  |      | 6            |
| 1     | " Caps          | 5545x    |      | 7.5          |
| 1     | Childs "        | 3251     |      | 2.25         |
| 1     | " " "           | 3257     |      | 2.25         |
| 1     | " " "           | 3176     |      | 2.25         |
| 1     | Mens "          | 5203     |      | 4.50         |
| 2     | " " "           | 5220     | 2.25 | 4.50         |
| 1     | " " "           | 5125     |      | 4.50         |
|       |                 |          |      | <hr/> 247.00 |

John G. White Treasurer of the Slater Sienken White Co. appeared before me and made oath that the above is correct to the best of his knowledge and belief

Witness my hand and seal this 26

July 26 1904  
Samuel A. Swank  
NOTARY PUBLIC WESTCHESTER CO. N.Y.  
CERTIFICATE FILED IN N.Y. CO.

John G. White



Exhibit  
"L"



State of Tennessee,  
JEFFERSON COUNTY.

Personally appeared before me

C. M. KYLE, a Notary Public in and for said State and County

*R. H. Mountcastle*

*Pres. of Jefferson City Woolen Mills*

..... with whom I am personally acquainted,  
who made oath in due form of law that the foregoing account is just, true and unpaid,  
after giving all just credits, to the best of his knowledge and belief.

Sworn to and subscribed before me this

*29th* day of *July* ..... 190

*R. H. Mountcastle* *Pres*

*C. A. Swann*

Notary Public.



Folio 1300

## MONTHLY STATEMENT

Jefferson City, Tenn.

AUG 1 - 1904 190

Mr. Low J. Baylor

Boones Path Va

IN ACCOUNT WITH

**JEFFERSON CITY WOOLEN MILLS**

MANUFACTURERS OF

**FINE WOOLENS**

Interest after Maturity

|      |    |                  |          |     |    |        |
|------|----|------------------|----------|-----|----|--------|
| 1903 |    |                  |          |     |    |        |
| Oct  | 1  | To Mdse.         | Dec 1    | 167 | 90 |        |
| Apr  | 25 | "                | 60       | 103 | 00 |        |
| May  | 19 | "                | Interest | 3   | 22 |        |
| July | 16 | Cash Protest Fee |          | 3   | 70 |        |
| "    | 29 | "                | "        | 1   | 80 | 279 67 |
|      |    | Notary Fee       |          |     |    | 56     |
|      |    |                  |          |     |    | 280 17 |

On May the 12th 1904 he sent us Note  
 30 days for \$170 76 to Pay Bill of Oct 1st 1903  
 He paid us this three different times  
 all checks were protested



Jefferson City, Va. 7 miles  
v

L. H. Bayler -

Exhibit - No 3.

12/568



Boones Path, Va. ~~Cincinnati~~ June 1<sup>st</sup> 1901 ~~1899~~

Thirty days after date I promise to pay to  
the order of **THE ISAAC FALLER'S SONS CO.**

Five Hundred Seventy Seven <sup>423</sup> <sup>73</sup>/<sub>100</sub> Dollars

at Powell's Valley Bank of Jonesville Va.

Value received

L. M. H. Pleyer

No.

Dues Inc.

No. 12. Linen.

The I. F. Faller Co. 28 W. 4th St. Cincinnati, O.



Lt Baylor

577<sup>73</sup>

June 7-1904

Pay Percees Valley Bank  
or order for collection

THE OMAHA CHILDREN'S SOCIETY

*Wm. C. McGee*  
PRESIDENT

Exhibit

"A"

To Lon H. Baylor, Hattie M. Baylor and H. C. T. Richmond,  
Trustee:

You and each of you are hereby notified that, on the 12th day of August, 1904, at Wise Court House, in Wise County, Virginia, we will apply to the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, for an injunction order in the case recently instituted by us in the Circuit Court for Lee County, to restrain and inhibit you and each of you from selling or disposing of the stock of goods owned by Lon H. Baylor, situated in and at his store house at Boon's Path, Va. in Lee County, or any part of said goods, and to have a receiver appointed to take charge of said stock of goods and to hold or dispose of the same in such manner as the court may adjudge best.

Yours very truly,

JEFFERSON CITY WOOLEN MILLS.

BLATER STEELKEN WHITE COMPANY

ISAAC FALLER'S SONS COMPANY.

By

Quincy W. Moss ATTYS.



Copies for  
Lor H. Baylor,  
Hattie M. Baylor -  
H.C.S. Richards

Jefferson City, Waller Mills  
Ex. ac. Onupto.

7 3/4 Notice of applicator's  
for Aug. Rec.

Lor H. Baylor. It also  
~~execute~~  
Execute the within notice  
by delivering a true copy  
of the within ~~notice~~  
to Lor H. Baylor, Hattie  
M. Baylor & H.C.S. Rich-  
monds on the 8th day  
of Aug 1904  
P. M. Ball & Co.

JEFFERSON CITY WOOLLEN MILLS, (Incorporated)  
 ISAAC FILLIN'S SON, (Incorporated)  
 STATE OF MISSOURI, (Incorporated), COMPLAINANTS,

VERSUS

EDWIN H. BAYLOR, NATURAL & ARTIFICIAL  
 & H. G. H. STURMUND, TRUSTEES, DEFENDANTS.

The general object of this bill is to set aside and have delivered to the plaintiffs a fund of money expended by E. H. Baylor by H. G. H. Sturmund, Trustee, dated the 27th day of June, 1904, in so far as it applies to the stock of goods owned by said E. H. Baylor, situated at the store house of E. H. Baylor at Bacon's Bath, Lee Co., Va., and to have the same applied to the payment of their several debts and to have a receiver appointed to take charge of the said goods and all them subject to the order of the court.

This is a bill in Chancery and is pending in the Circuit Court for Lee Co., Va.

The amount of the claim asserted by the plaintiffs, Jefferson City Woollen Mills is \$230.17, with interest thereon from the 27th day of June, 1904, all of which is now due and unpaid.

The amount of the claim asserted by the defendant, Isaac Filler's Son Co. is \$579.73, with interest thereon from the 1st day of January, 1905, all of which is now due and unpaid.

The amount of the claim asserted by the defendant, H. G. H. Sturmund is \$507.00 with interest thereon from the 1st day of July, 1905, all of which is now due and unpaid.

The property sought to be set aside by this bill and removed to the custody of the court is described as follows: A certain



chandise owned by L. H. Baylor, kept in his store house at Boon's Path, Lee Co., Va. and consists of Dry Goods, Notions, Boots, Shoes, Hats, Millinery, Gents Furnishings, Clothing, Hardware, Groceries, Saddles and Harness, Machinery, Furniture and other goods usually kept in a general store.

The names of the persons whose estate is intended to be affected thereby are: L. H. Baylor and Hattie M. Baylor.

This August 5, 1904.

JEFFERSON CITY WOOLEN MILLS.

ISAAC FALLAR'S SONS COMPANY.

SLATER SILKEN WHITE COMPANY.

By

*Wmington Press* ATTYS.

Virginia, Lee County, to-wit:

In the office of the Clerk of Lee County, on this the 5th day of August 1904. The foregoing writing was presented, and admitted to record.

Teste:

*W. E. Hanary* Clerk



Jefferson County, North Mills  
1746-

v. 3 Memorandum  
3 Lis Pendens

L. H. Bayles.

---

Filed Aug 5, 1904, at  
3:30 o'clock P.M.

H. C. T. Ewing, Clerk.

Recorded in Deed Book  
41, page 546.

Examined Aug 5, 1904.

Indexed -

Clerk <sup>28</sup> 1,250



The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Lon H. Baylor, Hattie M. Baylor and  
H. C. T. Richmond, Trustee,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules  
to be held for the said Court, on the First Monday in September 190<sup>4</sup>,  
to answer to a bill in chancery, exhibited against you in our said Court by  
Jefferson City Wollen Mills( an incorporation), Slater Sielken White  
&  
Company (an incorporation), Isaac Faller's Sons Company (an incorpora-  
tion)

And have then there this writ. Witness, H. C. T. Ewing  
xxxxxxxxxx Clerk of our said Court, at  
the court-house, the 5th day of August 190<sup>4</sup>, and in the  
12<sup>9</sup> year of the Commonwealth.

H. C. T. Ewing Clerk,  
By M. E. Haney D.C.



Jefferson City Water Mills  
et al

vs. }

SUBPOENA  
IN  
CHANCERY.

L. H. Baylor et al

Quincy, Iowa p. q.

To 1st Sept 1904 Rules

Lee Circuit Court.

Executed by delivering a  
true copy of the within summons  
to L. H. Baylor, Hattie M.  
Baylor & H. C. S. Richmond &  
on the 8th day of Aug  
1904 - P. M. Ball & Co